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SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 February 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

later: Mr. GARRETON (Chile)

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The meeting was called to order at 3.45 p.m.

STATEMENT BY THE MINISTER-DELEGATE FOR HUMAN RIGHTS OF FRANCE

1. The CHAIRMAN invited the Minister-Delegate for Human Rights of France to address the Commission.

2. Mr. KIEJMAN (France) said that he wished, first of all, to address the question of Yugoslavia. It was noteworthy, in that connection, that negotiations with a view to restoring peace throughout the territory of the former Yugoslavia and thereby put an end to the atrocities committed daily against civilians, including women and children, had been held in the Palais des Nations itself.

3. It was indeed known that war could bring with it brutality, rape and humiliation affecting the civilian population, but it had been a new discovery for the world that such horrible actions, and particularly rape, could be viewed by their perpetrators or inspirers as instruments of a policy of conquest: the "ethnic cleansing", which had aroused the indignation of the international community. That was, however, the situation prevailing in Bosnia and Herzegovina.

4. To put an end to those atrocities and the resultant suffering, the Commission should certainly demand, with renewed determination, the immediate closure of all places of detention. However, if the effective liberation of the detainees was to be achieved, the Commission must have the means to enforce its demands. It was necessary, however belatedly, to send to the field, as requested in August 1992 by the Special Rapporteur, Mr. Mazowiecki, a team of observers from the Centre for Human Rights. It was also necessary to punish those guilty of war crimes. His Government had declared publicly on several occasions that those responsible for such crimes should be tried, since the assurance of total impunity in Yugoslavia or elsewhere could not but encourage further violations of human rights.

5. To that end, the Minister for Foreign Affairs of France had set up a group of jurists to define the nature and terms of reference of an international criminal court. That work was being carried out with due regard for the activities of the Special Rapporteur and of the Commission of Experts on war crimes established by Security Council resolution 780 (1992). In that connection, it was essential that, both inside and outside the framework of the international conference chaired by Lord Owen and Mr. Vance, steps should be taken to provide strong guarantees to ensure respect for human rights, a status for minorities and the independence of the judiciary.

6. With regard to the territories occupied by Israel, it was necessary to maintain vigilance, since the situation of the expelled Palestinians could not be prolonged. The European Community had said so on 2 February and its position remained unchanged. However encouraging the changes in the Israeli Government's position might be, they could not be regarded as sufficient.

7. At its current session, the Commission was also to consider the situation in the African continent. With regard to South Africa, his delegation appealed to the Government of Mr. De Klerk to ensure that the year 1993 would

be one of effective progress and not one of disappointment. There was also the situation of the Sudan, which as a member of the Commission, should set as an objective respect for the rights of all Sudanese citizens.

8. The entire African continent was in motion. Sometimes, unfortunately, the movement was in the wrong direction: one of regression, as in the cases of Zaire and Togo. It was essential to state, loud and clear, that indifference to the dignity of others and the refusal of democracy could lead an entire people into chaos. However, steps were being taken in Madagascar, Mozambique and elsewhere to restore the domestic dialogue. The changes that had occurred in a country such as Benin made his delegation more hopeful that democracy and respect for human rights would ultimately be generalized.

9. Similarly, in Latin America, some efforts had been successful as a result of action by the United Nations. While it was to be regretted that the legitimate authorities of Haiti had not yet been restored, changes in the situation of many other countries, particularly El Salvador, gave considerable grounds for satisfaction.

10. For the United Nations, 1993 was both the International Year of the World's Indigenous People and that of the second World Conference on Human Rights. The Commission was thus called upon to seek ways and means of improving the effectiveness of United Nations actions for the promotion and protection of human rights. His Government firmly believed in the ability of the United Nations to carry out that mission and to meet the expectations of countries which were taking the road towards democratization.

11. In the face of the Yugoslav tragedy, the Commission had acted forcefully by holding two special sessions and appointing a Special Rapporteur with an exceptional mandate. Furthermore, two of the Commission's special rapporteurs had been heard on an informal basis by the Security Council, thereby demonstrating that respect for human rights was becoming an essential component of the restoration and maintenance of peace.

12. On 31 January 1992, the Security Council had met at the level of Heads of State and Government to examine ways of increasing its responsibilities in the face of non-military causes of instability. It was in that spirit that the Council had, in recent years, undertaken action to protect human rights and provide assistance in that area. He was thinking, in that connection, of the human rights components of the peace plans for El Salvador and Cambodia and of the actions carried out in Somalia with the prime purpose of assisting the victims.

13. Some people believed they had detected in those actions a desire on the part of a few Powers to play the part of the world's policeman. As far as France was concerned, a United Nations presence had never had any objectives other than peace and the protection of the rights of persons threatened or the provision of assistance to needy populations. Many United Nations soldiers, it must be remembered, had died defending that sole cause.

14. With regard to technical assistance and advisory services in the human rights field, the Centre for Human Rights was engaged in a process of reform. The overall approach it advocated should be strongly supported. One element of that approach was the importance for human rights of the electoral process and the harmonious functioning of democratic institutions.

15. It was not easy to meet the challenges of democratization, as exemplified by the situations in Zaire and Togo, where decisive steps had still to be taken to respond to the people's aspirations. At a summit meeting held in France, his Government had reaffirmed the existence of an indissoluble link between human rights, democracy and development. The United Nations, for its part, by supporting democratization, contributed to development.

16. Those were some of the issues that should be taken up at the World Conference in Vienna. However, a more general point had to be added to those questions of an institutional nature: the universality of human rights. It was sometimes pointed out that not all States had helped to prepare the Universal Declaration of Human Rights. That was undoubtedly true, but the essential fact was that all victims and persons threatened with hunger or fear, whatever their nationality or their customs, could appeal to it. His Government would therefore watch over that principle of universality.

17. Stressing the important contribution of the non-governmental organizations to the Commission's deliberations, he said that his Government thus awaited with particular interest the proposals to be made by the NGOs' forum in Vienna and transmitted to the Conference. In the same spirit, it welcomed the steps taken by the United Nations and the host country to enable national institutions for the promotion and protection of human rights to hold their own meeting during the Conference.

18. The Commission itself merited careful study. Some practical issues had been raised by the experts of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the treaty-bodies, among others, which required attention. The experts had, for example, been thinking about ways of combating the new forms of racism and xenophobia plaguing the world and had proposed the establishment of a new Commission machinery, a special rapporteur, on the subject. His Government believed that it was necessary to appoint an individual whose moral authority would help all States in which social and economic difficulties, old hatreds and nationalism threatened the harmonious relationship among individuals.

19. France had some experience in that field and its legislation had been amended so as to punish incitement to racial hatred. A report on racism and xenophobia was published annually and his Government was, of course, prepared to collaborate along those lines with the future rapporteur.

20. The experts had also examined ways of improving the protection of the right to freedom of opinion and expression in the world. His delegation agreed with their conclusion that it was necessary to provide, through new machinery, special protection to professional information and communications workers, who were among the first victims of oppression.

21. A third issue examined by the Sub-Commission was the impact of scientific progress on human rights. In his delegation's opinion, the Commission should, at its current session, consider more closely than in the past the question of human rights and bio-ethics. His delegation intended to propose that the Commission should carry out a survey of national legislation, of the work being done internationally and of the pertinent international texts.

22. Lastly, the Committee on the Rights of the Child had held an important discussion on the rights of children in armed conflicts, including children forcibly conscripted into armed forces. Anti-personnel mines continued to kill and injure defenceless people, particularly children, long after the fighting had ended. His Government considered that the Commission should not only express its indignation but also call on the international community to take the necessary steps to remedy the situation.

23. He was aware that all those new initiatives represented new responsibilities for the Centre for Human Rights. His delegation would thus continue to support, in the appropriate forums, measures to provide it with adequate resources. The reforms which the Under-Secretary-General for Human Rights had begun to make in the internal organization of the Centre with a view to improving efficiency could not but facilitate the Commission's task. His delegation, which had carefully followed the functioning of the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, had had the opportunity to note on a number of occasions the praiseworthy efforts made by members of the staff of the Centre to enable the experts to carry out their work in the best possible conditions. The staff of the Centre and all those working for the cause of human rights deserved the Commission's gratitude.

24. In that regard, he wished to pay particular tribute to two exceptional women, who had been recognized as such by the Nobel Committee. The first was Daw Aung San Suu Kyi, who had been, most deplorably, deprived of her freedom in her own country for months. His delegation intended to request very strongly, in the resolution it would submit on the extremely distressing human rights situation in Burma, that she should at long last be free to resume her activities. The second woman was Mrs. Rigoberta Menchu, whose courage and determination were the hope of Guatemala. The Guatemalan Government, which had taken the first steps towards peace, should recognize the crucial role she could play in promoting national reconciliation in a country where violence continued to occur.

25. The rights of the individual were the common heritage of mankind. It was for every man and woman to defend respect for those rights, whether they were ordinary citizens, political leaders, civil servants or company executives. All those involved on behalf of States or Governments had a responsibility to future generations. They would be judged by their children on their ability to transform into reality rights which were all too often still hypocritically proclaimed by those who violated them in the cruellest possible fashion. For his own part, he wished to reaffirm France's unswerving support for the cause of human rights.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SWEDEN

26. The CHAIRMAN invited the Minister for Foreign Affairs of Sweden to address the Commission.

27. Baroness AF UGGLAS (Sweden) said that the Commission on Human Rights continued to play an important role in promoting worldwide implementation of human rights and in setting new standards in that regard, as could be seen from the adoption of its previous session of two important new declarations on minorities and on enforced disappearances.

28. Until quite recently, national borders had been used as effective barriers by Governments wishing to conceal oppression from the attention of the international community. Such Governments invoked Article 2, paragraph 7, of the Charter of the United Nations in order to assert that any such questions should be handled solely within the framework of the sovereign State, thus ignoring the very meaning of the Charter itself. However, since the adoption of the Charter in 1945 there had been steady progress towards greater openness and a sense of common concern and responsibility for the protection and promotion of human rights.

29. It had become an international norm that all States had the right, and even the duty, to deal with violations of human rights wherever they occurred, and the Security Council had recently contributed to the development of international law in that respect, on the basis of the Charter. Promising as that trend was, the current debate on intervention for humanitarian reasons showed that such actions must be undertaken with great care and must enjoy wide support from the international community.

30. One reason why international concern no longer stopped at national borders was the revolution in the field of information technology. The information instantly available through television and radio broadcasts meant that events throughout the world could be followed virtually as they occurred, thus placing new pressures on political leaders to take action and making international issues part of the daily debate in almost every country.

31. The free flow of information within and across national borders had a special importance for those who lived under regimes which practised censorship, since freedom of speech and expression was one of the strongest allies of the oppressed, the persecuted and the suffering in the various parts of the world. None the less, the media were not omniscient or without their limitations, and serious developments which did not achieve headline status, should not, therefore, be neglected.

32. Also indispensable to the free flow of information were the crucially important activities of non-governmental organizations, such as Amnesty International, Human Rights Watch and the International Committee of the Red Cross, especially when Governments were unwilling to allow representatives of the relevant international bodies to enter their countries.

33. Working for human rights could be both complicated and dangerous, and it should never be forgotten that human rights activists often put their lives at

risk for the benefit of their fellow-men: all human rights violations were serious, but repression directed against those who upheld human rights was often particularly ugly.

34. The Secretary-General had recently stressed that regional arrangements and actions could render great service if such activities were undertaken in a manner consistent with the purposes and principles of the Charter. Regional organizations should thus shoulder greater responsibility for promoting respect for human rights in the future, since they usually had close and wide-ranging relations with all the local Governments and considerable knowledge of local circumstances. It went without saying, of course, that the universal applicability of human rights must not in any way be undermined in that process.

35. In Europe, the Council of Europe had, over the years, developed precise and elaborate standards and mechanisms in the field of human rights. The Conference on Security and Cooperation in Europe (CSCE) also continued to play a crucial role. On the American continent, the Organization of American States (OAS) had a long-standing record of dealing with human rights issues while, in Africa, the Organization of African Unity (OAU) would, it was to be hoped, attain a more active role in the protection and promotion of human rights. The emerging institutions for regional cooperation in Asia might play a similar role in the future.

36. As Chairman of the CSCE, she intended to pay special attention to human rights issues. The Conference was working to ensure that all member countries applied the same high standards, to which they had committed themselves as signatories of the fundamental documents. One recent CSCE initiative had been the appointment of a High Commissioner on National Minorities, with the primary task of initiating action when an ethnic problem might lead to confrontation and abuses. The aim was to take preventive action before a given situation had got out of control.

37. Regrettably, massive violations of human rights were currently being committed within the CSCE area, particularly in the former Yugoslavia where millions of people had been forced to leave their homes and tens of thousands had been killed or injured. The Special Rapporteur, Mr. Mazowiecki, had given details of massive and grave violations - in many cases involving horrible acts of violence against women and children - perpetrated in the name of the policy of "ethnic cleansing".

38. Those abhorrent crimes must be stopped and, together with the United Nations, the CSCE was trying to render effective the principle of personal accountability. Thus, in December 1992, the CSCE Council had asked the rapporteurs on Bosnia and Herzegovina and Croatia to refine their proposals on the establishment of an ad hoc international war crimes tribunal. She had just been informed that their report, containing a proposal for such a tribunal for the former Yugoslavia, would be published and transmitted to the United Nations in the coming week.

39. For its part, the Commission on Human Rights had responded forcefully and promptly to the violations of human rights in former Yugoslavia, as was shown by its two special sessions in the previous year. She also attached great

importance to the findings of the European Community Mission to investigate the treatment of Muslim women in that area. In general, her Government believed that women's issues were insufficiently highlighted in the field of human rights and in the work of the Commission and other human rights bodies.

40. Since war was the greatest single cause of human rights violations, it was imperative to strengthen the role of the United Nations as the guardian of international peace and security. In that respect, she welcomed the proposals of the Secretary-General in his recent report entitled "An agenda for peace" (A/47/277). In the aftermath of the cold war, the Security Council was able for the first time to carry out the tasks entrusted to it by the Charter, but much remained to be done to strengthen its capabilities.

41. Criticism of poor countries for their human rights record was sometimes regarded as unfair and illegitimate. That was quite wrong, since there was no reason why oppression, dictatorship or censorship should be more acceptable in developing countries than elsewhere. Moreover, far from being a negative factor, respect for human rights promoted economic and social development, and a free press and the rule of law were effective instruments in countering corruption and incompetence.

42. The Centre for Human Rights was the cornerstone of the United Nations human rights programme. To be successful in its important task, the Centre must be given adequate resources from the regular budget to cope with its increasing workload. In that connection, the work of the country rapporteurs, the thematic rapporteurs and the working groups was enormously important, but the success of those mechanisms depended on the full cooperation of Governments, a condition which was not, unfortunately, always fulfilled.

43. She welcomed the declaration by the United Nations General Assembly of 1993 as the International Year of the World's Indigenous People. Enhanced awareness of the conditions of indigenous people should contribute to the new partnership that was the theme for the Year.

44. In conclusion, she stated her Government's hope that the World Conference on Human Rights, to be held at Vienna in June 1993, would further contribute to the strengthening of the United Nations human rights programme and to the worldwide implementation of human rights standards by Governments. Differences of opinion regarding priorities should not be allowed to block the progress that could be achieved in Vienna, and her delegation would work constructively to make the Conference a success.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued)
(E/CN.4/1993/3, 6, 9, 12, 13, 70-74, and 81; A/47/76, 262 and 509; S/25149)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1993/17, 18, 19 and 19/Add.1, E/CN.4/1992/12; A/47/412)

45. Mr. HALINEN (Finland), speaking on behalf of the five Nordic countries, said that the Governments of those countries fully supported the Middle East peace process as the best means of achieving a just, comprehensive and lasting

peace in the region on the basis of the relevant Security Council resolutions. That process had yet to produce concrete results, but the talks it had initiated were in themselves an achievement, although currently at a critical stage. As the Foreign Ministers of the five Nordic countries had stated in a declaration at their recent meeting in Stockholm, the parties to the conflict should refrain, more than ever, from any measures which might undermine the peace process. The Foreign Ministers had also emphasized their strong repudiation of all forms of violence and terror, irrespective of the party responsible.

46. The Governments of the Nordic countries condemned the recent decision by the Israeli Government to deport more than 400 Palestinians from the occupied territories. Although Israel needed to protect and defend its citizens, that decision was not merely unacceptable from a humanitarian point of view and under international law, but was likely to constitute an obstacle to the peace process at a time when support and encouragement were called for. They noted recent decisions by the Israeli Government regarding the deported Palestinians, but urged the Israeli Government to comply with Security Council resolution 799 (1992).

47. The Governments of the Nordic countries had emphasized the constructive role that could be played by non-regional participants in the multilateral aspect of the Middle East peace process. They welcomed the fact that the United Nations was accepted as a full participant in the multilateral working groups meeting within the peace process.

48. In their declaration at Stockholm, the Ministers of the Nordic countries had also underlined the importance of pursuing confidence-building measures in the peace process, such as the freezing of settlement activities by Israel. On the Arab side, a lifting of the trade boycott against Israel and foreign firms dealing with Israel would be an appropriate and timely measure.

49. Violence had once again intensified in recent months, particularly in the Gaza Strip. Moreover, detention without independent judicial examination continued to be widespread, as was the practice of collective punishment against Palestinians. Curfews were frequently imposed, making it very difficult for those affected to lead normal lives, and the practice of closing schools and universities had not ceased. The Governments of the Nordic countries remained seriously concerned at Israel's continued violations of human rights in the occupied territories.

50. They thus urged the Israeli Government to improve the human rights situation in the occupied territories, in the interests of improving the prospects for progress in the peace process. They also stressed that a just, lasting and comprehensive settlement of the Arab-Israeli conflict would, inevitably, also entail a solution to the refugee problem.

51. In order to create a sense of mutual confidence and respect between the different parties to the conflict, acceptance by Israel of the de jure applicability in the occupied territories of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)

was imperative, as was compliance with the commitments set forth in the International Covenants on Human Rights and those contained in the Convention on the Elimination of All Forms of Discrimination against Women. It was also of the utmost importance that all acts of terrorism should cease.

52. Mr. Garretón (Chile) took the Chair.

53. Mr. TARZI (Observer, Organization of the Islamic Conference) said that his Organization was profoundly concerned at the constantly deteriorating human rights situation in the Arab occupied territories, as evidenced by a wide range of increasingly repressive measures. Tragically, the Palestinian people had yet to enjoy their inalienable rights, and in particular their right to self-determination and their freedom to embrace the principles of democracy. Indeed, there was a total disregard of legal norms and procedures at every level in the Arab occupied territories, with resulting violations of the most fundamental international legal standards.

54. The Israeli occupation had fundamentally affected the daily life of the Palestinians. Israel continued, and had indeed stepped up, its policies and practices of repression, dispossession, economic strangulation, the demolition of houses, closure of hospitals and schools, deportations and expulsions, detentions and killings and other physical and psychological pressures. Such acts violated the relevant Security Council resolutions, the Fourth Geneva Convention and international law. In the face of such measures the Palestinians had no alternative but to continue with the intifada in their quest for freedom.

55. Despite their legitimate feeling of resentment at the long-standing and illegal occupation of their lands, and at the continuing repression of the population in the occupied territories, Arabs and Palestinians had agreed to participate in the initiative aimed at establishing peace in the Middle East; and the opening of the Madrid Peace Conference in October 1991 had aroused great hopes among all peace-loving people. However, by its recent decision to expel more than 400 Palestinian citizens from their homes and drive them into the wilderness, Israel had once again demonstrated that it was not in favour of peace, and that it was an aggressive State which was constantly waging war against its Arab and Palestinian neighbours in the effort to achieve its expansionist aims.

56. The Bureau of the Sixth Islamic Summit, enlarged to include the Chairmen of the Standing Committees of the Organization of the Islamic Conference, had met at Dakar, Republic of Senegal, on 11 January 1993, and had strongly condemned the Israeli Government's decision to banish Palestinian citizens from their homeland. It had also strongly condemned Israel for having refused to implement Security Council resolution 799 (1992). The Meeting had taken the view that the serious escalation of inhuman Israeli aggression against the Palestinian people in the occupied territories made it incumbent upon the international community to exert the necessary pressure to force Israel to repatriate the Palestinian deportees and to put an end to its oppressive practices in the occupied territories. The international community should also adopt the necessary measures to provide the Palestinian people in those territories with adequate protection, pursuant to the relevant international resolutions.

57. The Secretary-General of the Organization of the Islamic Conference had recently expressed the Organization's position regarding the Israeli Government's latest attempt to circumvent Security Council resolution 799 (1992). It took the view that the decision authorizing the return of only 100 deportees and maintaining 300 other Palestinian citizens in enforced exile reflected the persistent will of the Israeli Government to defy the international community, and constituted a thinly-veiled attempt to provide some legitimacy to the deportation decisions practised as a means of collective sanction against the Palestinian people by the authorities of the Israeli occupation. The only solution to the problem was the integral implementation of resolution 799 (1992) requiring the immediate and safe return of all the deportees so as to ensure the continuation of the peace process in the Middle East. The Security Council should act promptly and adopt all necessary measures to force Israel to implement that resolution.

58. The meeting of the Sixth Islamic Summit considered all Israeli settlements established in the occupied Palestinian and Arab territories to be illegal and concluded that international guarantees should be provided to ensure their removal. It called upon the international community to exercise the necessary pressure to force Israel to discontinue settlements in the occupied Arab and Palestinian territories, including Al-Quds al-Sharif (Jerusalem), a practice which constituted a major obstacle to peace.

59. It had hailed the intifada in the occupied Palestinian territories and expressed its full solidarity with and support of the Palestinian people in its legitimate struggle to recover its inalienable national rights; reiterated that Jerusalem and Palestine constituted the essential issue of the Islamic Ummah and the core of the Arab-Israeli conflict and declared that a comprehensive and just peace in the Middle East could be achieved only if Israel withdrew completely from all the occupied Palestinian and Arab territories, including Jerusalem, the Syrian Golan, South Lebanon and the Jordanian territories and if the Palestinian people was enabled to exercise its inalienable national rights, including its right to return, to self-determination and to the establishment of its own independent Palestinian State, with Jerusalem as the capital and under the leadership of its sole legitimate representative, the Palestine Liberation Organization.

60. With respect to Jammu and Kashmir, his Organization condemned the massive violations of the human rights of the Kashmiri people. The Sixth Islamic Summit had adopted a resolution on the issue, expressing its concern at the alarming increase in the indiscriminate use of force and gross violations of human rights committed against the innocent Kashmiris; calling for a peaceful settlement of the issue in accordance with the relevant United Nations resolutions and as agreed upon in the Simla Agreement; demanding that the right to self-determination of the Kashmiri people be respected; and urging India to allow international human rights groups to visit Jammu and Kashmir.

61. Noting the continuation of the dialogue between India and Pakistan, it encouraged further negotiations with a view to resolving their outstanding differences through peaceful means and affirmed that a substantial dialogue was essential to addressing the core of the problems and remove the basic causes of tension between the two countries. It expressed its deep concern at the prevailing situation, which threatened peace and security in the region;

called upon India and Pakistan to redeploy their forces to peacetime locations; endorsed the decision by the Twentieth Islamic Conference of Foreign Ministers to dispatch a good-offices mission under the Chairman of the Islamic Conference of Foreign Ministers with a view to easing the tension between the two countries and promoting a peaceful settlement; and requested the Secretary-General of the Organization of the Islamic Conference to send a fact-finding mission to visit Jammu and Kashmir.

62. Mr. SEZGIN (Observer for Turkey) said that his delegation was greatly disturbed by Israel's illegal deportation of 415 Palestinians from the occupied territories. The Government and people of his country firmly condemned that unwarranted action, which constituted a serious breach of the Fourth Geneva Convention and the relevant Security Council resolutions. Responding immediately to that illegal action, even before the adoption of Security Council resolution 799 (1992), his Government had publicly urged Israel to reverse its decision and allow the safe return of the deported Palestinians to their homes.

63. Israel must fulfil its State responsibilities under international agreements with regard to the treatment of Palestinians in the territories under its occupation and must stop violating their human rights. It must recognize the de jure application in the occupied territories of the Fourth Geneva Convention. The continued abuse of Palestinians and the violence in the occupied territories was likely to jeopardize the peace process, which offered an unprecedented opportunity for finding a just, comprehensive and lasting solution to the Middle East conflict.

64. Developments in recent months did not give cause for optimism. The settlement policy was still being pursued, albeit at a slower pace. Israeli security forces still resorted frequently to the excessive use of force. Collective punishment of the civilian population and restriction of movement were commonplace and had had an adverse impact on the economic and social situation of the population. His delegation urged the Israeli Government to refrain from such acts in order not to endanger the negotiation process.

65. The peace process in the Middle East should be based on Security Council resolutions 242 (1967) and 338 (1973). Recognition of the inalienable rights of the Palestinian people was the key to a just, lasting and comprehensive settlement in the Middle East.

66. Mr. KOVALEV (Russian Federation) said that the past year had seen a number of positive developments in the Middle East situation. The peace process had begun, an important component of which had been a discussion of ways to ensure the human rights of all persons living in the region. The policy of the Israeli Government had changed on a number of points, in particular with regard to respect for human rights. That gave reason for optimism.

67. Unfortunately, the recent decision by the Israeli authorities to deport 415 Palestinians from the occupied territories had made the situation more complicated. Regardless of the motives behind the deportation decision, his delegation shared the view repeatedly expressed by other speakers that that act was a flagrant violation of the standards of international

humanitarian law and the principles of civilized behaviour of States. Such a policy might well harm international efforts to reach a peaceful settlement in the region.

68. As co-Chairman of the peace process begun in Madrid, Russia was actively seeking a review of the deportation decision, and its support of Security Council resolution 799 (1992), condemning the Israeli action, should be seen in that light. His Government had also made a direct appeal to the Israeli authorities. The goal of Russian diplomacy was to bring about a normalization of the situation in the occupied territories and achieve greater flexibility on the part of those involved in the peace talks.

69. There were other examples of blatant violations of the human rights of the Arab population in the occupied territories. Torture, detention, arrest without trial and economic measures persisted in the Middle East. The practice of establishing settlements in the occupied territories had not stopped: that made the search for peace much more difficult.

70. Another aspect of the situation about which too little had been said in the Commission was the growth of extremism and terrorism. In that context, his delegation urged the Commission to pay close attention to the recent statement by the representative of Israel. It was no secret that certain organizations in the Middle East promoted an ideology aimed exclusively at the physical destruction not only of opponents but even of those who, although in the same camp, favoured dialogue and compromise. His Government firmly condemned the ideology and practice of terrorism; the Commission, too, must speak out against that phenomenon. That was particularly important at a time in which efforts were being made to give shape to the future order in the Middle East and in which the foundations for the principles of inter-State and intra-State relations were being laid. A determined and effective opposition to extremism was therefore necessary to prevent it from becoming State policy in the future.

71. His delegation was aware that there were forces on both sides that sought to undermine efforts to reach a settlement and that strove to perpetuate an atmosphere of mutual hostility. Every time progress was made, it triggered an often brutal response. But violence led only to more violence and merely escalated the conflict; a glaring example of that could unfortunately be found in the situation in the former republics of the Soviet Union.

72. His Government was convinced that the peace talks begun in Madrid constituted the only path to achieving a comprehensive and just settlement in the Middle East. Despite the difficulties that had arisen during the negotiations, neither side had exhausted the possibilities of showing flexibility. All participants must demonstrate a maximum of understanding for the concerns of others and must work to bring their positions closer together.

73. At an initial stage, the negotiations must create a solid basis for an agreement on the definitive status of the Palestinian refugees. Such an agreement must be based on Security Council resolution 242 (1967), the only way to cut the ground from under the feet of the extremists and to set the stage for constructive, rather than confrontational relations.

74. The resolutions adopted by the Commission must objectively reflect the true situation and must contribute to achieving normalization. They must be directed towards ensuring the human rights of all the people living in the region and must oppose all actions, regardless of their origin, that contradicted the principles of human rights.

75. When the situation in the Middle East was under consideration, it was impossible not to touch upon the question of the right to self-determination. Events in other regions had shown that the question of the right of peoples to self-determination was far from being resolved. The Russian Federation took the view that the traditional concepts regarding that problem needed a thorough revision to bring them into line with contemporary realities and the basic principles of law.

76. Many bloody conflicts that had recently emerged were being fought under the banner of the right to self-determination, which in some cases covered a drive for power and other selfish interests. Flagrant human rights violations were sometimes justified as part of the struggle for self-determination: he had in mind discrimination for reasons of nationality, religious intolerance, oppression of other cultures, ethnic cleansing and the like. When group interests took on the importance of a fetish, the basic rights of the individual were disregarded. On the other hand, the crushing of a group of people's aspirations to achieve a form of self-expression and self-organization could have tragic consequences.

77. In the view of his delegation, the time had come to undertake a broad and open discussion of all aspects of the right to self-determination. The Commission should make a contribution to such a debate. In particular, careful consideration must be given to the question of who was entitled to the right to self-determination. It was important to take a closer look at the content of the term and how it was related to other principles of international law.

78. There was a fairly widespread view that self-determination meant only the establishment of an independent state. Yet, in the contemporary world, there were many other forms of national self-expression.

79. It was essential to determine what the mechanism should be for the realization of the right to self-determination, who should participate and what the future role of the international community should be in monitoring such processes. It might be worth considering whether an international document should be drafted on the subject. In the absence of more precise and generally accepted criteria for exercising the right to self-determination, there would be no end to tragic conflictual situations.

80. His Government was convinced that one of the most important criteria should be the primacy of the rights and freedoms of the individual over the rights of the group. Collective interests must coincide with the protection of individual human rights. The exercise of the right to self-determination must also aim to improve the level of human rights protection.

81. Needless to say, the use of violent means to attain self-determination was unacceptable. All such questions must be resolved peacefully through negotiations on the basis of the generally accepted principles of international law. His delegation, which had listened with particular interest to the statement on that subject by the representative of the United States of America, was ready to continue a dialogue on the topic.

82. To conclude, his delegation had noted with pleasure that most of the documents needed had been available in Russian from the first day of the current session.

83. Mr. ERMACORA (Austria) said he wished to begin by welcoming the delegation of the Czech Republic, which had recently become a member of the Commission.

84. As pointed out by the representative of the Russian Federation, international legal instruments did not provide any clear definition of the right to self-determination. They did not specify the beneficiaries or the situations in which self-determination could be invoked, nor did they contain rules about the application of procedures. As the many attempts to find appropriate definitions had not yet led to generally acceptable results, the issue had to be dealt with on a case-by-case basis, with particular regard to the difficult distinction between peoples on the one hand and national, ethnic, religious or linguistic minorities on the other.

85. In his report entitled "An Agenda for Peace" (A/47/277), the Secretary-General had stressed that the right to self-determination was not identical with a right to statehood or a right to secession and that both international peace and security and economic stability would be increasingly difficult to achieve if every ethnic, linguistic or religious group were to claim statehood. He referred in that context to the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, which contained a series of other models of self-determination and which stated that the right to self-determination could be implemented by different means, ranging from the establishment of an independent State to any other political status freely determined by a people.

86. The creation of new sovereign States had been the predominant means of implementing the right to self-determination, not only in the case of decolonization, but also in the process of succession to the USSR and the former Yugoslavia. Reunification was another possibility. On the other hand, the case of South Tyrol offered an example where that principle had been implemented by way of granting autonomy.

87. There were still, however, a number of examples where a people's aspiration to exercise the right to self-determination had not yet found a satisfactory answer. A case in point was that of the Palestinian people; his delegation hoped that the means of implementing the full rights of that people could be agreed upon by negotiations in the near future. On the other hand, the struggle for political power in Afghanistan illustrated the complexity of the problem.

88. Enjoyment of the right to self-determination should, first of all, be based on the establishment of an internal order, through good governance, respect for human rights and fundamental freedoms and political accountability, allowing the entire people to take part in the decision-making process. However, specific measures at the national and international level were needed to protect the rights of minorities and, in that connection, he welcomed the adoption by the General Assembly of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which had been drawn up by the Commission.

89. The right to self-determination was part of a dynamic process comprising several elements. It included the right of the people of an existing State to choose freely their own political, economic and social system, as well as the need for a Government representing the people as a whole and granting human rights and fundamental freedoms to all groups.

90. Other essential elements were democracy, political freedom and periodic genuine elections and, in that connection, the United Nations and other international organizations could play an important role. They were, in fact, already doing so in various peace-keeping operations aimed at ensuring internationally verified and supervised ballots in a number of countries.

91. His Government was ready to contribute to the United Nations operation currently in preparation to assist the holding of a referendum in Eritrea in April 1993 and, in the case of Cambodia, it welcomed the report of the Secretary-General and of the International Symposium on Human Rights in Cambodia (E/CN.4/1993/19 and Add.1) which contained valuable information on the efforts made under the auspices of the Human Rights Component of the United Nations Transitional Authority in Cambodia.

92. His delegation concurred with the proposals and recommendations put forward in the report, particularly the appointment of a special rapporteur and the establishment of an operational presence of the Centre for Human Rights in Cambodia. It also welcomed the Secretary-General's suggestion that the Cambodian experience should be taken fully into account at the forthcoming World Conference on Human Rights.

93. When attempting to find a new design for a common political future, it was necessary to establish a balance between the claim of a people to self-determination and the principles of territorial integrity and the sovereign independence of States. New processes were needed to resolve such situations in a peaceful and non-confrontational manner and the Commission should monitor developments in the field and seek to put forward proposals taking into account both the political realities and the legitimate aspirations of peoples to enjoy the right to self-determination. He thus agreed with the representative of the Russian Federation that the whole question of the right to self-determination should be taken up again with due consideration for possible new elements, drawing, in particular, on the two important studies recently prepared on the subject.

94. Mr. SALEH (Libyan Arab Jamahiriya), speaking in exercise of the right of reply, said that the representative of the Israeli entity had made no effort to address the question of human rights violations in the occupied

territories, but had merely sought to divert the Commission's attention from the item under consideration and waste its time. He had deliberately ignored the concern expressed by other delegations concerning the deportations and had sought to portray the issue as a confrontation between the occupying authorities and fundamentalists.

95. That was a distortion of the truth, since the Palestinians concerned were taking a stand against the abhorrent reality of the Israeli occupation and the human rights violations they had suffered. Rather than condemning fundamentalism, the representative of the Israeli entity would do better to attempt to persuade his Government to end the repressive measures which inevitably led to extremism.

96. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right of reply, said that, as usual, the representative of Israel had falsified the facts and resorted to lies and deceit in an effort to mislead the Commission, most notably by referring to the occupied Palestinian territories as Judea and Samaria, disregarding the official title of the agenda item. The Chairman should, he thought, have intervened to correct that usage.

97. The representative of Israel had referred to General Assembly resolution 181 (II) of 1947, in which the United Nations recommended the establishment of two separate States. He maintained that Israel had accepted that resolution whereas Palestine had not. He had failed to mention, however, that, following the wars of 1956 and 1967, Israel was currently occupying the whole territory of Palestine. If Israel truly wanted peace as it asserted, it must withdraw to the partition frontiers laid down in that resolution.

98. He also regretted that the representative of Israel should have insulted the intelligence of the Commission by invoking myths and legends regarding the alleged intention of Palestinians and Muslims to massacre the Jews, while neglecting to mention the actual situation in the occupied territories, where Israeli soldiers were daily killing Palestinian children.

99. The representative of Israel had also attempted to portray the deportations and confiscation of property as a reaction to terrorist activities. The truth was that the Palestinians were engaged in resistance to a foreign military occupation, which was a legitimate right of peoples under colonial domination, as recognized in various United Nations resolutions. To equate such actions with terrorism was tantamount to saying that European resistance to the Nazi occupying forces should also have been stigmatized as a terrorist activity.

100. Mr. SEMICHI (Observer for Algeria), speaking in exercise of the right of reply, said that the representative of Israel had accused various countries, including his own, of being responsible for the grave situation prevailing in the occupied territories, and had condemned the death sentences recently imposed on 19 fundamentalists in Algeria, saying that Israel no longer applied the death penalty.

101. That was merely a hypocritical and irrelevant attempt to divert attention from the real issue, since Algeria and the other countries mentioned had nothing to do with the situation in Palestine. Israel should address itself to the Palestinian people, and in particular to its sole representative, the Palestine Liberation Organization.

102. Furthermore, Israel's contention that the United Nations had been a prisoner of an automatic Arab-Muslim majority for more than 40 years was not only offensive to the members of the international community, but also betrayed an ignorance of the principles which guided the work of the Organization.

103. His delegation reiterated its full solidarity with the struggles of the Palestinian people to regain its legitimate rights and for the Palestine Liberation Organization as its sole representative.

104. Mr. ASKALANI (Observer, League of Arab States), speaking in exercise of the right of reply, said that the attack on Muslim and Arab States contained in the statement by the representative of Israel represented a violation of human rights. It was misguided of Israel to attempt to set itself up as the defender of Arab States against the dangers of Islamic fundamentalism. It would do better to provide protection for the Palestinians from the dangers of Jewish extremism.

105. The resolutions of the United Nations were adopted not by an Arab-Muslim majority but by a majority of all the Member States, which were not fooled by Israel's attempt to portray itself as an innocent victim of aggression. Furthermore, the fact that Israel was a democratic State did not mean it could be allowed to commit human rights violations with impunity.

106. He deplored the attempt to portray legitimate and necessary national resistance to a foreign occupying power as terrorism, and called upon Israel to provide details of the number and average age of the Palestinians killed in the occupied territories, as compared to the number of Israelis. That would reveal who the real terrorists were.

107. He welcomed, however, the reference by the representative of Israel to General Assembly resolution 181 (II) and urged comprehensive implementation of that resolution and all other relevant United Nations resolutions. Nevertheless, it was noteworthy that, since its creation, Israel had failed to comply with a single United Nations resolution.

The meeting rose at 6.05 p.m.